

**Code of Practice
for
Authorized Seller of Poisons**
認可毒藥售賣商執業守則

Pharmacy and Poisons Board of Hong Kong
香港藥劑業及毒藥管理局
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CODE OF PRACTICE FOR AUTHORIZED SELLER OF POISONS

A. PREAMBLE

The majority of the authorized sellers of poisons in Hong Kong are not registered pharmacists but "persons lawfully conducting retail pharmacy business".

The Code of Practice is intended to set the standard of professional practice for all A.S.P. and shall be regarded as governing the conduct of all A.S.P. both within and outside the practice of pharmacy.

Not all matters which are subject to a standard of professional practice are included in this Code; the matters mentioned are those upon which it is thought that guidance may be needed.

It should be made clear that this Code is by no means statutory but is supplementary to the Pharmacy and Poisons Ordinance. A.S.P. are encouraged to make every endeavour to maintain and enhance the reputation of the profession by adhering to the guidance given.

B. AUTHORIZED SELLER OF POISONS - Synopsis of Laws

1. Definition

An authorized seller of poisons means a business authorized to sell poisons by or under the supervision of a registered pharmacist.

2. Restrictions on the registered pharmacist

The name, the certificate of registration and a notice setting out the hours of attendance of every pharmacist engaged in or employed by an A.S.P. shall be displayed in a conspicuous place in the duly registered premises.

A registered pharmacist, either engaged in his own business or employed by an A.S.P., shall not, at the same time, be engaged in employment with another A.S.P., unless the Pharmacy and Poisons Board authorizes him to do so.

3. Premises of An A.S.P.

- (A) An A.S.P. shall register with the Pharmacy and Poisons Board each set of premises where the retail sale of poisons is conducted.
- (B) A prescribed fee shall be paid whenever such registration is applied for, and the registration shall be renewed each year upon payment of the prescribed fee.
- (C) Each set of premises of an A.S.P. where poisons are kept for the purpose of retail sale *shall be under the personal control of a registered pharmacist.*

- (D) The following are normally expected to be installed in the lockable dispensing room of an A.S.P.:-
1. Air-conditioner
 2. Equipment such as balance, measures, mortar and pestle, funnels and filters, etc.
 3. Tap and sink
 4. Supply of potable water
 5. Refrigerator
 6. Lockable poisons cupboards and separate lockable D.D. cupboard
 7. Adequate reference books
 8. Adequate record books

4. Possession and Transactions involving the sale of Part I Poisons

- (A) An A.S.P. is allowed to be in possession of any poison included in Part I of the Poisons List in the premises duly registered with the Pharmacy and Poisons Board.
- (B) No poison included in Part I of the Poisons List shall be sold except on registered premises by *a registered pharmacist or in his presence and under his supervision*.
- (C) Sale of Part I, First Schedule poisons, other than those poisons included in the Third Schedule, is also subject to the following limitation:-
1. The purchaser of the poison shall be a fit and proper person and known by the seller.
 2. Every A.S.P. shall keep on the premises a poisons book to record every transaction of Part I poisons with the following particulars:-
 - (a) Date of sale;
 - (b) Name and address of the purchaser;
 - (c) Name and quantity of the poison sold; and
 - (d) Purpose for which it was stated by purchaser to be required.Each entry shall be signed by the purchaser and counter-signed by the registered pharmacist.
- (D) An A.S.P. shall only supply/dispense poisons included in the Third Schedule, on prescription given by a registered medical practitioner, a registered dentist or a duly qualified veterinary surgeon, in accordance with the direction/instruction as given on the prescription.
1. A prescription shall-
 - (a) contain the name and address of the prescriber;
 - (b) be written, signed and dated by the prescriber;

- (c) contain the name and address of the person to whom the poison is supplied;
 - (d) contain the name and the total quantity of the poison supplied; and
 - (e) contain the dosage to be administered and, if any, direction/instruction for such purpose.
 - 2. A prescription shall not be dispensed more than once unless it is a repeat-prescription.
 - 3. On dispensing a repeat-prescription, an A.S.P. shall endorse the prescription with his name and address and the date on each occasion when it is filled.
 - 4. A prescription once filled, and in the case of a repeat-prescription when the last repeat is filled, shall be kept by the A.S.P. in the premises in such a manner as to be readily available for inspection for a period of two years.
- (E) After a prescription is dispensed, the following particulars shall be entered into the prescription book on the day on which the medicine is dispensed, or, if that is not reasonably practicable, on the day next following that day:-
- 1. the date on which the medicine was supplied;
 - 2. the ingredients of the medicine and the quantity of the medicine supplied;
 - 3. the name of the prescriber and the date at which the prescription was given; and
 - 4. the name and, if it is known, the address of the person to whom the prescription was given.
- (F) An A.S.P. may supply poisons to other authorized person by means of wholesale dealing.
- (G) No poison shall be sold/supplied unless the container of the poison is labelled in accordance with regulations and displays-
- 1. the name of the poison;
 - 2. the strength of the poison/ingredients of the poisons;
 - 3. the word "Poison" in both English and Chinese in a conspicuous space;
 - 4. the appropriate cautionary statements such as "not to be taken", or "for external use only", etc.; and
 - 5. the name and address of the seller.
- (H) In the case of a poison forming part of the ingredients of a medicine which is supplied on prescription, the labelling requirements as stated in (G)(i), (ii) and (iii) are exempted. In their place the medicine shall be labelled with the usage instructions and the name of the person to whom the medicine is supplied.

5. *Responsibilities and Liability of an A.S.P.*

(A) *Annual Return*

An A.S.P. shall in the month of January in each year send to the Secretary of the Pharmacy and Poisons Board a list showing the addresses of all sets of premises where he conducts the retail sale of poisons and showing the name of the registered pharmacist having personal control of each such set of premises.

Whenever there is change in the address of such premises, or change in any registered pharmacist employed or engaged in such premises, the A.S.P. shall, within 28 days, notify the Secretary of the Pharmacy and Poisons Board in writing setting out particulars of such change.

An A.S.P. who fails to do so shall be guilty of an offence.

(B) *Retention of Documents*

All poisons books and prescription books shall be retained and readily available for inspection for a period of two years from the date of the last entry therein.

All signed orders and signed receipts in connection with the sale/supply of poisons shall be retained and readily available for inspection for a period of two years from the date of the transaction.

(C) *Liability*

If an employee of an A.S.P. is convicted of an offence or found guilty of misconduct, the Disciplinary Committee of the Pharmacy and Poisons Board shall not give any direction against the A.S.P. unless it is satisfied that the A.S.P. ought to be regarded as responsible for the offence or misconduct.

In so doing, the following facts must be taken into consideration:

1. that the offence or misconduct in question was instigated or connived at by the A.S.P.; or
2. that the A.S.P. or any person employed by him had been guilty, at some time within 12 months before the date upon which the offence or misconduct in question took place, of a similar offence or misconduct and that the A.S.P. had, or ought reasonably to have had, knowledge of that previous offence or misconduct.
3. that the offence or misconduct in question was a continuing offence or continuing misconduct, and that the A.S.P. had, or reasonably ought to have had, knowledge of the continuance; or

4. in the case of an offence under the Pharmacy and Poisons Ordinance, the A.S.P. had not used due diligence to enforce the execution of this Ordinance.

(D) An A.S.P. shall comply with the conditions relating to the registration of the premises set out in the certificate of registration.

C. CODE OF PRACTICE

1. Professional Responsibility

An A.S.P. must give due respect to the registered pharmacist as a professional and as the person who is in charge of the premises.

Any obstruction to a pharmacist in carrying out his duties as a person in control of a retail pharmacy business by anyone in the premises will be regarded as a failure on the part of the authorized seller of poisons to provide a proper standard of professional services.

In particular, the authorized seller of poisons should ensure compliance with the following requirements:-

(a) Hours of attendance of Registered Pharmacist

The premises must be under the personal supervision of the registered pharmacist throughout the hours of attendance of the registered pharmacist which is set out in the notice on display in the premises.

(b) Receipt of Controlled Medicines

The receipt of all controlled medicines must be attended to and signed by the registered pharmacist.

(c) Custody of Controlled Medicines

All controlled medicines must be kept under lock and key in the dispensing room and all the keys to the locked receptacles in which such medicines are kept must be kept by the registered pharmacist.

2. Professional Services

It is in the public interest for authorized sellers of poisons to make available information about the professional services which they are able to provide. The professional services which may be provided by the registered pharmacist will include:

- (a) Dispensing of prescriptions.
- (b) Sale or supply of medicinal products.
- (c) Sale or supply of surgical dressings and appliances.
- (d) Sale or supply of poisons and chemicals.

- (e) Sale or supply of aids to mobility.
- (f) Response to symptoms described in pharmacies - "Counter prescribing".
- (g) Facilities for sale or supply of hearing aids.
- (h) Pregnancy testing.
- (i) Sale of goods, supply of services or the provision of advice where the scientific and pharmaceutical knowledge of the pharmacist can be fully utilized.

Publicity for professional services must be discreet and dignified so as to impress upon the public that medicines are not ordinary articles of commerce and that pharmacists are professional people providing, in addition to the supply of medicines, skilled and informed advice on pharmaceutical matters and health care.

In order to avoid creating any invidious distinction between pharmacists or pharmacies there must be no criticism raised by any pharmacist or pharmacy of the services of other pharmacists or pharmacies and there must be no claim of superiority over any other pharmacist or pharmacy either expressed or implied.

3. *Public Concern*

Safety and efficient service shall be the prime concern for the welfare of the public.

An A.S.P. should take all reasonable steps to ensure that working conditions are so arranged that the safety of the public and people working on the premises is protected. There should be sufficient space in all work areas to allow an efficient and safe system of work.

Dispensing procedures should be adopted which prevent dispensing errors and a checking procedure should be used.

An A.S.P. must not purchase, sell or supply any medicinal product where there is any reason to doubt its safety, genuineness or quality. Similarly an A.S.P. should not give an impression to a purchaser that a medicinal product is efficacious when he has reason to believe it is not.

An A.S.P. should take reasonable steps to satisfy himself that the purchaser of chemicals for industrial purposes or for a hobby has sufficient knowledge to handle the chemicals safely and will use the chemicals for a bona fide purpose. In particular, it should be with extreme caution that he elects to supply chemicals to children (or to adults for use by children) so as to ensure, insofar as he can, that they will be used in appropriate circumstances.